

REMARKS

Claims 1-7 are pending in this application. The Examiner rejects:

- Claim 1 under 35 U.S.C. § 102(e) as being anticipated by Chan;
- Claim 2 under 35 U.S.C. § 103(a) as being unpatentable over Chan in view of Baker;
- Claim 3 under 35 U.S.C. § 103 (a) as being unpatentable over Chapman in view of Chan; and
- Claims 4 and 5 under 35 U.S.C. § 103(a) as being unpatentable over Chapman in view of Chan, and further in view of Baker.

Also, the Examiner objects to the drawing, requiring labels in Fig. 1.

With regard to the drawing objection, Applicant submits herewith a replacement formal drawing sheet 1/1 in which Figs. 1 and 2 have been labeled to overcome this objection.

Also, Applicant amends the claims for precision of language, and to put the claims in a more customary format according to US patent practice. These amendments are merely clarifying amendments and do not narrow the scope of the original claims. No estoppel is created.

Applicant adds new claims 6 and 7 more fully to cover various aspects of the invention as disclosed in the specification.

With regard to the Examiner's prior art rejections, Applicant respectfully traverses these rejections as follows.

Applicant's claim 1 provides a method of improving sound playback of digitized speech signals, the method comprising a unique combination of method steps, including *inter alia*, transmitting sound signal packets from the digitizing and encoding means without taking account of the presence or absence of speech signals in the processed sound signals during an initial stage of call optimization.

Chan does not disclose, teach or suggest such a method.

Chan discloses a "silence-suppression scheme" where a transmitter is equipped with a "silence suppressor 112" such "that, except for one (or a few) ATM cells at the beginning of every silence interval, no ATM cells carrying silence information are transmitted on channel 102" (see Id., col. 3, lines 2-30). Chan also discloses a receiver, which includes "an ATM decoder 121" and "a silence regenerator 122", for processing the ATM cells transmitted on channel 102, where "silence regenerator 122 fills in each blank interval in the intermittent data stream that it receives from ATM decoder 121 with copies of the initial silence data received from that interval in one (or few) ATM cells so as to from a constant data stream that includes silence representing data" (see Id., col. 3, lines 31-56).

Contrary to the Examiner's analysis, **nowhere** does Chan disclose, teach or suggest transmitting sound signal packets from the digitizing and encoding means without taking account of the presence or absence of speech signals in the processed sound signals during an initial stage of call optimization, as recited in Applicant's independent claim 1. In fact, in contradistinction to Applicant's claim 1, Chan provides "silence suppressor 112" specifically to account for

presence or absence of speech signals so “that, except for one (or a few) ATM cells at the beginning of every silence interval, no ATM cells carrying silence information are transmitted” (see Id., col. 3, lines 28-30, emphasis added). Chan’s “one (or few) ATM cells [transmitted] at the beginning of every silence interval” have nothing to do with call optimization. Instead, Chan’s “one (or few) ATM cells” are used by “silence regenerator 122” to fill in each blank interval in the intermittent data stream with copies of the “one (or few) ATM cells” (see Id., col. 3, lines 47-54).

Thus, Applicant’s independent claim 1 is not anticipated by (i.e., is not readable on) Chan at least for these reasons.

With regard to Applicant’s dependent claim 2 (which incorporates all the novel and unobvious features of its base claim 1), Baker does not supply the above-noted deficiencies of Chan. In fact, Baker discloses nothing more than a general technique for “establishing optimal audio latency in streaming applications such as conferencing” (see Id., col. 1, line 1 through col. 2, line 17). Baker does not address call optimization where a call is set up from a sending telecommunications terminal comprising voice activity detection means for transmitting only those digitized sound signal packets that contain speech signals. Thus, Baker does **not** disclose, and is **incapable** of teaching or suggesting, transmitting sound signal packets from the digitizing and encoding means without taking account of the presence or absence of speech signals in the processed sound signals during an initial stage of call optimization, as recited in Applicant’s independent claim 1.

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Therefore, Applicant's claim 2 (which depends on claim 1) would not have been obvious from any reasonable combination of Chan and Baker, at least for the reasons set forth above with respect to claim 1.

Applicant's independent claim 3 provides telecommunication hardware comprising a unique combination of features, including *inter alia*, voice activity determining means enabling digitized sound signals to be transmitted only if the digitized sound signals contain speech signals, the voice activity determining means being prevented from acting until the initial optimization stage has terminated.

The Examiner acknowledges that Chapman does not disclose at least the above-noted feature recited in claim 3 by conceding that "Chapman ... lacks the specific operation of a subscriber terminal" (see Office Action, page 4, paragraph 6). The Examiner alleges that Chan supplies this acknowledged deficiency of Chapman. Applicant respectfully disagrees.

In fact, as explained above, Chan has nothing to do with call optimization. That is, the "one (or few) ATM cells at the beginning of every silence interval" that are transmitted in Chan have nothing to do with call optimization. Likewise, **nowhere** does Chan disclose, teach or suggest that its silence suppressor 112 is prevented from acting until the initial optimization stage has terminated.

Therefore, Applicant's independent claim 3 would not have been obvious from any reasonable combination of Chapman and Chan at least for these reasons.

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With regard to the dependent claims 4 and 5 (which incorporate all the novel and unobvious features of their base claim 3), as explained above, Baker does not address initial optimization stage of a call where voice activity determining means enables digitized sound signals to be transmitted only if they contain speech signals. Thus, Baker does not disclose, and is incapable of teaching or suggesting, telecommunication hardware where voice activity determining means is prevented from acting until the initial optimization stage has terminated.

Accordingly, Applicant's claims 4 and 5 (which depend on claim 3) would not have been obvious from any reasonable combination of Chapman, Chan and Baker at least for these reasons.

Applicant's new claims 6 and 7 are patentable over the prior art at least by virtue of their dependence on claims 1 and 3, respectively.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Stan Torgovitsky
Registration No. 43,958

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

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